

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

July 11, 2013

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Mike Owens, Chair; Carla Blanton, Mike Cravens, Frank Penn, Carolyn Plumlee, William Wilson, Eunice Beatty, Will Berkley and Karen Mundy. Patrick Brewer was absent.

Planning Staff Present – Chris King, Director; Bill Sallee; Tom Martin; Barbara Rackers; Cheryl Gallt; Dave Jarman, and Denice Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Captain Charles Bowen, Division of Fire; Jeff Neal and Casey Kaucher, Division of Traffic Engineering; Tim Queary, Department of Environmental Quality and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The Chair noted that there were no minutes to be considered at this time.

- III. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal were be considered at this time.

- a. PLAN 2013-78F: DISTILLERY DISTRICT WEST (AMD) (9/19/13)* - located at 1200 Manchester Street.
(Council District 2) **(2020 Land Surveying)**

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Postponement**. There are concerns with the sanitary sewer service to the property.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
8. Denote location of cross-section through Manchester Street.
9. Denote "amended" in title block.
10. Denote acreage on lots.
11. Correct date of plat preparation.
12. Clarify right-of-way dedication with a solid line.
13. Provided the Planning Commission grants a waiver to Article 4-7(d)(1) regarding substantial completion of infrastructure.
14. Review by Technical Committee prior to plan certification.

Representation – Justin Drury, 2020 Land Surveying, was present representing the applicant, and requested postponement of PLAN 2013-17F: DISTILLERY DISTRICT to the July 25, 2013, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Penn, seconded by Ms. Plumlee and carried 9-0 (Brewer absent) to postpone PLAN 2013-17F: DISTILLERY DISTRICT to the July 25, 2013, Planning Commission meeting.

- b. DP 2013-57: JONES SUBDIVISION (9/1/13)* - located at 1167 Appian Crossing Way.
(Council District 8) **(Rob Sims)**

The Subdivision Committee Recommended: **Postponement**. The adopted conditional zoning restricts the use of this property to a total of 17 units.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of pedestrian facilities.

* - Denotes date by which Commission must either approve or disapprove request.

7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Dimension exterior dimensions of buildings.
10. Denote proposed building height in feet.
11. Remove group residential project references in site statistics.
12. Dimension access points proposed.
13. Dimension parking lot, aisles and spaces.
14. Denote Jones Trail as public right-of-way and revise cross-section (1/2 section).
15. Addition of north arrow.
16. Delete side and rear yard setback reference.
17. Add property owner's and Planning Commission certifications per Article 21 requirements.
18. Revise note #5 to include required reference to Article 16.
19. Addition of required Engineering Manual note.
20. Clarify existing tree canopy to be preserved, including locations.
21. Denote construction entrance.
22. Reduce number of units to 17.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant requesting postponement of DP 2013-57: JONES SUBDIVISION to the August 8, 2013, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Ms. Plumlee and carried 9-0 (Brewer absent) to postpone DP 2013-57: JONES SUBDIVISION to the August 8, 2013, Planning Commission meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, July 3, 2013, at 8:30 a.m. The meeting was attended by Commission members: Mike Owens, Carolyn Plumlee, Frank Penn, Will Berkley and Karen Mundy. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Denice Bullock, Dave Jarman and Cheryl Gallt, as well as Captain Charles Bowen, Division of Fire & Emergency Services and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.
2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.

A. CONSENT AGENDA - NO DISCUSSION ITEMS – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
 - (2) from the Planning Commission,
 - (3) from the audience, and
 - (4) from Petitioners and their representatives.

At this time, the Chair requested that the Consent Agenda items be reviewed. Mr. Sallee said that the staff had previously distributed a corrected Consent Agenda to the Commission, adding that a notation was added for a plan that was recommended for reapproval by the Subdivision Committee. He then identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of the remaining items, and the staff had recommended approval of a one-year extension. (A copy of the Consent Agenda is attached as an appendix to these minutes).

- a. PLAN 2013-63F: PEGGY B. QUEEN PROPERTY (9/1/13)* - located at 700 East Main Street.
(Council District 5) **(Foster/Roland)**

* - Denotes date by which Commission must either approve or disapprove request.

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
6. Denote that the building line shall comply with Article 15-2(a)(6) of the Zoning Ordinance.
7. Denote that access to Lot 1 shall be from Clay Avenue only, should the property redevelop.

- b. PLAN 2013-64F: LAKEVIEW ESTATES, UNITS 2B & 2E (AMD) (9/1/13)* - located at 519 Laketower Drive.
(Council District 5) **(Eagle Engineering)**

Note: The purpose of this amendment is to subdivide one lot into eight lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Clarify notes for Lot 2 relative to acreage.
8. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
9. Terminate floodplain setback at property line.
10. Provided the Planning Commission makes a finding on the use of the proposed access easement as sole access to these lots.

- c. PLAN 2013-65F: MAGNA ENTERTAINMENT (9/1/13)* - located at 1620 Jaggie Fox Way.
(Council District 2) **(MLH Civil Engineering)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Addition of a listing of all utility providers.

- d. PLAN 2013-66F: GESS PROPERTY, UNIT 6-J (9/1/13)* - located at 4618 Willman Way (a portion of).
(Council District 7) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
8. Addition of exactions to the approval of the Division of Planning.
9. Resolve status of required USA boundary screening.

- e. PLAN 2013-67F: GESS PROPERTY, UNIT 6-K (9/1/13)* - located at 4618 Willman Way (a portion of).
(Council District 7) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.

* - Denotes date by which Commission must either approve or disapprove request.

3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Greenspace Planner's approval of the treatment of greenways and greenspace.
 7. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
 8. Addition of street cross-section for Maidencane Drive.
 9. Addition of exactions to the approval of the Division of Planning.
 10. Resolve status of required USA boundary screening.
- f. PLAN 2013-68F: GESS PROPERTY, UNIT 11-F (9/1/13)* - located at 4618 Willman Way (a portion of).
(Council District 7) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
 7. Denote section cut for cul-de-sac through centerpoint, as depicted.
 8. Correct information for Unit 11-G along south property line.
 9. Addition of exactions to the approval of the Division of Planning.
 10. Resolve status of required USA boundary screening.
- g. PLAN 2013-69F: GESS PROPERTY, UNIT 11-G (9/1/13)* - located at 4618 Willman Way (a portion of).
(Council District 7) **(EA Partners)**
- The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Greenspace Planner's approval of the treatment of greenways and greenspace.
 7. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
 8. Addition of exactions to the approval of the Division of Planning.
 9. Resolve status of required USA boundary screening.
- h. PLAN 2013-70F: GESS PROPERTY, UNIT 11-H (9/1/13)* - located at 4618 Willman Way (a portion of).
(Council District 7) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
 7. Denote section cut for cul-de-sac through centerpoint, as depicted.
 8. Denote offset dimensions for easement between Lots 78 and 79.
 9. Addition of exactions to the approval of the Division of Planning.
 10. Resolve status of required USA boundary screening.
- i. PLAN 2013-71F: NDC PROPERTY, UNIT 1, LOT 4B (AMD) (9/1/13)* - located at 437 Lewis Hargett Circle.
(Council District 9) **(Wes Witt)**

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.

* - Denotes date by which Commission must either approve or disapprove request.

5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Addition of name and address of property owners.
9. Addition of adjacent property record plat information/owner.
10. Addition of note for maintenance of access easement.
11. Addition of all notes from previous plan M-232.
12. Addition of street cross-section for Lewis Hargett Circle (from previous plat).
13. Addition of homeowners association note per agreed judgment for stormwater maintenance.

- j. PLAN 2012-31F: ANGLIANA AVENUE – TRINITAS HOUSING PROJECT (AMD) (9/22/13)* - located at 497 Angliana Avenue. (Council District 3)
(Endris Engineering)

Note: The purpose of this amendment is to create 3 lots and new easements. The Planning Commission originally approved this plan on May 10, 2012, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Verify lot dimensions with development plan dimensions.
8. Complete site statistics (lot frontage).
9. Remove deed tract line from plan.
10. Denote release of access and utility easement along southern boundary.
11. Denote timing of intersection improvements and information needed on plat.

Note: The applicant now requests reapproval of the plan, subject to the previous conditions.

The Subdivision Committee Recommended: **Reapproval**, subject to the conditions previously approved.

- k. PLAN 2013-10F: HIGBEE MILL RESERVE, LOT 3-H (AMD) (9/24/13)* - located at 4113 Reserve Road. (Council District 10)
(EA Partners)

Note: The purpose of this amendment is to dedicate Stedman Drive. The Planning Commission originally approved this plan on February 14, 2013, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Resolve the timing of opening of Stedman Drive (removal of barrier).

Note: The applicant is now requesting a continued discussion to further subdivide the property.

The Subdivision Committee Recommended: **Approval**, subject to the original conditions, and adding the following condition:

8. Provided the Planning Commission makes a finding on the use of the proposed access easement as sole access to some of these new lots.

- l. PLAN 2012-72F: HIGHWOOD CENTER (LEXMARK INTERNATIONAL, INC.) (AMD) (9/30/13)* - located at 740 W. New Circle Road. (Council District 1)
(EA Partners)

Note: The purpose of this amendment is to subdivide one lot into two lots and create an access easement to serve Lot 1. This plan was approved by the Planning Commission at its July 12, 2012, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.

* - Denotes date by which Commission must either approve or disapprove request.

7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Correct plan title.
9. Addition of written scale.
10. Label 50' building line from public streets.
11. Label zoning on adjacent property.
12. Denote lot frontage in site statistics.
13. Resolve sanitary sewer line and easement conflict to reflect actual alignment.
14. Review by the Technical Committee prior to certification.

Note: The applicant now requests approval of a one-year extension for this plan.

The Staff Recommends: Approval of a one-year extension, subject to the original conditions, deleting the following condition:

- ~~14. Review by the Technical Committee prior to certification.~~

- m. Note: The following plan is requested for revocation pursuant to KRS 100.285.

PLAN 90-150C: GOODRICH PROPERTY - located at 6080 Winchester Road. (Revocation Plat).
(Council District 12) **(Bailey Surveying)**

The Subdivision Committee Recommended to approve the plat revocation.

Mr. Sallee said that the staff had previously distributed findings for PLAN 2013-64F: LAKEVIEW ESTATES, UNITS 2B & 2E (AMD), adding that the Commission must make a finding on the use of the proposed access easement as sole access to these lots.

In conclusion, Mr. Sallee said that the items identified on the corrected Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission or the audience to permit discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. There was no response.

Action - A motion was made by Mr. Penn, seconded by Ms. Plumlee to approve the items listed on the Consent Agenda.

Discussion of Motion – Mr. Penn asked if the Commission needs to include the findings for PLAN 2013-64F. The Chair said that the finding was noted, but can be incorporated into the motion. Mr. Sallee apologized to the Commission, saying that he had failed to note the findings required for PLAN 2013-10F: HIGBEE MILL RESERVE, LOT 3-H (AMD). He asked that the Commission include the necessary finding in their motion as well.

Amended Motion – Mr. Penn amended his motion to include the findings for PLAN 2013-64F: LAKEVIEW ESTATES, UNITS 2B & 2E (AMD) and PLAN 2013-10F: HIGBEE MILL RESERVE, LOT 3-H (AMD). The Chair asked if Ms. Plumlee agreed, to which she responded affirmatively.

The motion carried 9-0 (Brewer absent).

- B. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the meeting. The Chair will announce his/her decision at the outset of the hearing.

1. FINAL SUBDIVISION PLANS

- a. PLAN 2007-241F: GESS PROPERTY, UNIT 6-C (9/22/13)* - located on Willman Way (a portion of).
(Council District 7) **(EA Partners)**

Note: The Planning Commission originally approved this plan on December 12, 2007, and reapproved it on May 14, 2009 and August 12, 2010, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscape buffering and required street tree information.
4. Approval of street addressing by e911 staff.
5. United States Postal Service (USPS) approval of mailbox locations.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Correct street cross-sections.
9. Addition of required exaction information.
10. Recordation of Gess Property, Unit 6-B, prior to certification.

Note: Section 1 was recorded on October 27, 2008, leaving one lot and the right-of-way remaining. The applicant now requests reapproval of the plan, subject to the previous conditions.

The Subdivision Committee Recommended: **Reapproval**, subject to the conditions previously approved, revising one condition and adding another as follows:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
- ~~5. United States Postal Service (USPS) approval of mailbox locations.~~
5. Urban Forester's approval of required street tree information.

Staff Presentation – Directing the Commission's attention to the rendering of this plan, Ms. Gallt presented the final record plat for PLAN 2007-241F: GESS PROPERTY, UNIT 6-C, and oriented them to the location of the subject property. She noted that the property is located off Hays Boulevard and Sperling Way on a portion of Willman Way. She then said that a portion of Unit 6-C was recorded, leaving one lot and the right-of-way remaining. The applicant is now requesting reapproval of the plan to permit the remaining section to be recorded.

Mr. Gallt said that the Subdivision Committee reviewed this request and recommended reapproval, subject to the conditions previously approved, revising one condition and adding another as follows:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
- ~~5. United States Postal Service (USPS) approval of mailbox locations.~~
5. Urban Forester's approval of required street tree information.

Representation – Rory Kahly, EA Partners, was present, representing the applicant. He said that they are in agreement with the staff's revised recommendations and requested reapproval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Ms. Blanton, seconded by Ms. Mundy, and carried 9-0 (Brewer absent) to reapprove PLAN 2007-241F: GESS PROPERTY, UNIT 6-C, as presented by the staff.

- b. PLAN 2006-240F: NEWMARKET, PHASE I, UNIT 1-E (9/29/13)* – located at 1201 Deer Haven Lane (a portion of). (Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on November 9, 2006, and reapproved it on November 8, 2007 and January 15, 2009, subject to the conditions listed below.

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Approval of street addressing by e911 staff.
5. Urban Forester's approval of tree preservation areas.
6. Label Tree Protection Area (TPA) per conditional zoning restrictions.

Note: The Planning Commission reapproved this plan on October 13, 2011, subject to the original conditions on today's agenda, revising the following:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
5. Urban Forester's approval of tree preservation plan and required street tree information.

Note: Section 1 of this plan was recorded on September 9, 2009. The applicant now requests reapproval of Section 2 on the plan (the unrecorded portion).

* - Denotes date by which Commission must either approve or disapprove request.

The Staff Recommends: Reapproval of Section 2, subject to the original conditions, as previously noted on today's agenda.

Staff Presentation – Directing the Commission's attention to the final record plat for PLAN 2006-240F: NEWMARKET, PHASE I, UNIT 1-E, Mr. Jarman explained that the Planning Commission originally approved this plan on November 9, 2006, and reapproved it on November 8, 2007 and January 15, 2009, subject to the conditions as noted on the today's meeting agenda. He then said that the Planning Commission also reapproved this plan on October 13, 2011, subject to the original conditions, revising the following:

3. Building Inspection's approval of landscaping and required street tree information.
5. Urban Forester's approval of tree preservation plan and required street tree information.

Mr. Jarman directed the Commission's attention to the rendering, and briefly oriented them to the subject property, adding that this property is located on a portion of 1201 Deer Haven Lane. He explained that Section 1 of this plan was recorded on September 9, 2009, and the applicant is now requesting reapproval of Section 2 of the plan (the unrecorded portion).

Representation – Rory Kahly, EA Partners, was present, representing the applicant. He said that they are in agreement with the staff's revised recommendations and requested reapproval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Brewer absent) to reapprove PLAN 2006-240F: NEWMARKET, PHASE I, UNIT 1-E, as presented by the staff.

Note: The following three items were presented simultaneously.

- c. PLAN 2008-138F: MEADOW OAKS, UNIT 1-A (ASHFORD OAKS) (9/29/13)* - located at 3414 Felician Lane. (Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on November 13, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Clarify label of cross-section for "G-G."
9. Denote private street maintenance responsibilities.
10. Verify exaction information to the approval of the Division of Planning.
11. Clarify public versus private right-of-way dedication.
12. Addition of conditional zoning notes and development standards from approved development plan.
13. Resolve possible conflicts between development standards and plan notes.

Note: On February 12, 2009, the Planning Commission granted a waiver to Article 4-7(d)(9)(c) of the Land Subdivision Regulations, for the following reasons:

1. The bonding of sidewalks on private streets has been agreed to by the Urban County Government Division of Engineering in the past in the defined Expansion Area, and will still allow the collection of a surety to ensure completion of all the sidewalk improvements to this subdivision.
2. Strict adherence with the Subdivision Regulations would create an undue hardship to the developer, requiring heavy construction equipment for home construction to drive over sidewalks, which could damage the sidewalks, resulting in the need to repair or replace an otherwise new sidewalk.

Approval of the waiver was subject to the following condition being added to the Final Record Plats, in addition to those originally approved by the Planning Commission on November 13, 2008:

- a. Collection of a financial surety by the Division of Engineering for the ultimate construction of sidewalks not initially constructed on private streets, to ensure their completion, subject to the approval of the Law Department.

Approval of the waiver was subject to the following condition also being added to the Final Record Plat, in addition to those originally approved by the Commission on November 13, 2008:

* - Denotes date by which Commission must either approve or disapprove request.

- a. Denote: No certificate of occupancy shall be issued for any dwelling unit until the sidewalks are constructed in conjunction with the required concrete driveway apron.

Note: The Planning Commission reapproved this plan at their June 10, 2010, meeting, subject to the previous conditions; granted a **one-year extension** on June 9, 2011; and reapproved this plan at their June 14, 2012, meeting, subject to the previous conditions, one additional condition, and modifying one condition:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
14. Urban Forester's approval of required street tree information.

Note: A portion of this plat (Section 1) has been recorded. The applicant now requests reapproval for the remaining portion of this plan.

The Staff Recommends: **Reapproval of Section 2**, subject to the original conditions, as previously noted on today's agenda.

- d. PLAN 2008-139F: MEADOW OAKS, UNIT 1-B (ASHFORD OAKS) (9/29/13)* - located at 3414 Feliciana Lane.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on November 13, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Verify exaction information to the approval of the Division of Planning.
9. Addition of conditional zoning notes and development standards from the approved development plan.
10. Denote the 25' conditional zoning setback along Greenbrier golf course (lots 17-26).
11. Resolve possible conflicts between development standards and plan notes.

Note: On February 12, 2009, the Planning Commission granted a waiver to Article 4-7(d)(9)(c) of the Land Subdivision Regulations, for the following reasons:

1. The bonding of sidewalks on private streets has been agreed to by the Urban County Government Division of Engineering in the past in the defined Expansion Area, and will still allow the collection of a surety to ensure completion of all the sidewalk improvements to this subdivision.
2. Strict adherence with the Subdivision Regulations would create an undue hardship to the developer, requiring heavy construction equipment for home construction to drive over sidewalks, which could damage the sidewalks, resulting in the need to repair or replace an otherwise new sidewalk.

Approval of the waiver was subject to the following condition being added to the Final Record Plats, in addition to those originally approved by the Planning Commission on November 13, 2008:

- a. Collection of a financial surety by the Division of Engineering for the ultimate construction of sidewalks not initially constructed on private streets, to ensure their completion, subject to the approval of the Law Department.

Approval of the waiver was subject to the following condition also being added to the Final Record Plat, in addition to those originally approved by the Commission on November 13, 2008:

- a. Denote: No certificate of occupancy shall be issued for any dwelling unit until the sidewalks are constructed in conjunction with the required concrete driveway apron.

Note: The Planning Commission reapproved this plan at their June 10, 2010, meeting, subject to the previous conditions; granted a **one-year extension** on June 9, 2011; and reapproved this plan at their June 14, 2012, meeting, subject to the previous conditions, one additional condition, and modifying one condition:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
12. Urban Forester's approval of required street tree information.

Note: A portion of this plat (Sections 1, 2, 3 & 4) has been recorded. The applicant now requests reapproval for the remaining portion of this plan.

The Staff Recommends: **Reapproval of Section 4**, subject to the original conditions, as previously noted on today's agenda.

* - Denotes date by which Commission must either approve or disapprove request.

- e. PLAN 2008-140F: MEADOW OAKS, UNIT 1-C (ASHFORD OAKS) (9/29/13)* - located at 3414 Feliciana Lane. (Council District 12) **(EA Partners)**

Note: This plan was approved by the Planning Commission at its November 13, 2008, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Verify exaction information to the approval of the Division of Planning.
10. Addition of conditional zoning restrictions and development standards from approved development plan.
11. Denote the sanitary sewer easement across the greenway.
12. Resolve the extent and timing of the greenway dedication.

Note: On February 12, 2009, the Planning Commission granted a waiver to Article 4-7(d)(9)(c) of the Land Subdivision Regulations, for the following reasons:

1. The bonding of sidewalks on private streets has been agreed to by the Urban County Government Division of Engineering in the past in the defined Expansion Area, and will still allow the collection of a surety to ensure completion of all the sidewalk improvements to this subdivision.
2. Strict adherence with the Subdivision Regulations would create an undue hardship to the developer, requiring heavy construction equipment for home construction to drive over sidewalks, which could damage the sidewalks, resulting in the need to repair or replace an otherwise new sidewalk.

Approval of the waiver was subject to the following condition being added to all the Final Record Plats, in addition to those originally approved by the Commission on November 13, 2008:

- a. Collection of a financial surety by the Division of Engineering for the ultimate construction of sidewalks not initially constructed on private streets, to ensure their completion, subject to the approval of the Law Department.

Note: The Planning Commission reapproved this plan at their June 10, 2010, meeting, subject to the previous conditions; granted a **one-year extension** on June 9, 2011; and reapproved this plan at their June 14, 2012, meeting, subject to the previous conditions, one additional condition and modifying one condition:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
13. Urban Forester's approval of required street tree information.

The Staff Recommends: **Reapproval**, subject to the original conditions, as previously noted on today's agenda, adding one additional condition:

14. Revise boundary of Lot 61 to account for Consolidation Plat involving Lots 12-16.

Staff Presentation – Directing the Commission's attention to the final record plats for the Meadow Oak Subdivision, Units 1-A, 1-B and 1-C, Mr. Martin briefly oriented them to the overall area of this development, and explained the location of each unit. He said that some of the sections on this plat have been recorded, and the applicant is now requesting to reapprove the remaining sections. He then said that the subject property is located just off Man o' War Boulevard and Blackford Parkway on Feliciana Lane. He added that the Blackford Properties and the Greenbrier Golf Club are in the general vicinity of this development, and noted that a courtyard or greenspace area is being proposed for the center of these lots.

Mr. Martin directed the Commission's attention to each of the final record plats, and briefly explained their location on the overall development rendering. He said that a portion of Unit 1-A will be removed from Unit 1-C, and what is being shown to the Commission is not the final configuration of Unit 1-C. In addition, a consolidated minor easement plat was needed, which resulted in the lots on Unit 1-C to be adjusted relative to the greenway. He said that the minor plat has been recorded, what is being shown on Unit 1-C will be changing and is not the final configuration of the property. He added that the applicant will still need Unit 1-C to be reapproved in order to record the remaining lots.

Mr. Martin said that the Planning Commission had granted a waiver to Article 4-7(d)(9)(c) of the Land Subdivision Regulations, which allowed the bonding of the sidewalks on private streets. He then said that this waiver was granted to avoid any undue damages that may occur during the construction of these lots. He added that the applicant had requested to be able to build the sidewalk and aprons at the same time; therefore, the Commission had added a condition to the waiver request to ensure that the sidewalks are to be constructed in conjunction with the required concrete driveway apron.

* - Denotes date by which Commission must either approve or disapprove request.

Planning Commission Questions – Mr. Penn said that each of these requests has a condition for the collection of a financial surety for the construction of the sidewalks. Mr. Martin replied affirmatively. Mr. Penn asked if that surety would be collected before an occupancy permit is issued. Mr. Martin said that that would need to be done when the final record plat is filed. Mr. Penn confirmed that the financial surety would be collected at the time of the final record plat. Mr. Martin replied affirmatively, and said that before the request can be certified, the applicant would need to pay the financial surety to the city. He then said that the applicant has indicated to him that the financial surety has been paid.

Representation – Rory Kahly, EA Partners, was present, representing the applicant. He said that they are in agreement with the staff's recommendations and requested reapproval for all three items. He noted that the financial sureties were paid with Section 1, which allowed the streets to be recorded; and what is remaining is the dedication of some lots and a small section of the street in Unit 1-B, which has not been built yet.

Planning Commission Questions – Ms. Beatty asked if these requests are reapprovals with new changes or reapprovals of existing requests. Mr. Martin said that there are no changes to the requests, and the staff wanted to inform the Commission that the final configuration would be different from what is being presented to the Commission today. Ms. Beatty confirmed that the Commission has already approved these items in the past and now they are being asked to reapprove these items again. Mr. Martin replied affirmatively.

Mr. Penn said that the applicant was granted a one-year extension on June 9, 2011, and now they are requesting reapproval. He asked how long a reapproval lasts. Mr. Martin replied that a plat has a life of one year from the time the Commission approves that request. Mr. Penn said that a reapproval and a one-year extension is the same. Mr. Sallee explained that the difference between an extension and a reapproval is that an extension would allow the plat to be recorded the day of the Commission's action; whereas, a plan that has expired would require the Commission to reapprove that request before it is able to be recorded. Mr. Penn asked when these requests will expire. Mr. Sallee said that these requests expired in June. Mr. Penn then asked what is the date shown on the agenda next to the plat title (9/29/13). Mr. Sallee said that that is the deadline as to when the Commission must take action on an item.

Audience Comment – The Chair asked if anyone in the audience wished to discuss these requests. There was no response.

Action - A motion was made by Ms. Beatty, seconded by Ms. Mundy, and carried 9-0 (Brewer absent) to reapprove PLAN 2008-138F: MEADOW OAKS, UNIT 1-A (ASHFORD OAKS), as presented by the staff, including the waiver, as presented.

Action - A motion was made by Ms. Mundy, seconded by Ms. Beatty, and carried 9-0 (Brewer absent) to reapprove PLAN 2008-139F: MEADOW OAKS, UNIT 1-B (ASHFORD OAKS), as presented by the staff including the waiver, as presented.

Action - A motion was made by Ms. Mundy, seconded by Ms. Beatty, and carried 9-0 (Brewer absent) to reapprove PLAN 2008-140F: MEADOW OAKS, UNIT 1-C (ASHFORD OAKS), as presented by the staff including the waiver, as presented.

- f. PLAN 2012-59F: MARSHALL PROPERTY, UNIT 2K (AMD) (9/30/13)* - located at 274, 280 & 286 McConnell's Trace. (Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to reconfigure the lots and access easements. This plan was approved by the Planning Commission at its July 12, 2012, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Identify Lots 21-37 & 47-61 with dashed lines.
9. Provided the Planning Commission grants a waiver to Article 4-8 of the Land Subdivision Regulations regarding the timing of access easement construction.

Note: On July 12, 2012, the Planning Commission recommended approval of the waiver to allow recordation of the plat prior to completion of any asphalt courses, for the following reasons:

1. The bonding of the asphalt portion of the access easements will insure their timely completion and will pose no problems for public health and safety in compliance with the intent of the Subdivision Regulations, so long as occupancy of the dwelling units is tied to their completion.

* - Denotes date by which Commission must either approve or disapprove request.

2. Not granting the waiver for the asphalt portion of the construction of the access easements would constitute a hardship for the applicant based on the cost and time involved in constructing the access easements, only to have significant portions of them removed and reconstructed after the installation of the utilities.

This recommendation is made subject to the following additional requirement:

- a. Denote: None of units 38-50 may be issued an Occupancy Permit until the asphalt layers have been completed on the access easements serving them.

Note: The applicant now requests approval of a one-year extension for this plan.

The Staff Recommended: **Approval of a one-year extension**, subject to the original conditions, as previously noted on today's agenda.

Staff Presentation – Directing the Commission's attention to the final record plat for the Marshall Property, Unit 2-K, Mr. Martin noted that the applicant is requesting a one-year extension for properties located at 274, 280 & 286 McConnell's Trace. He briefly oriented them to the overall layout of this townhouse development, and explained that there is a greenway multi-use trail to the south of McConnell's Trace. He added that this development will be utilizing access easements for several of the townhouses; and those units will be oriented toward the greenway multi-use trail.

Mr. Martin said that the Planning Commission previously granted a waiver to Article 4-8 of the Land Subdivision Regulations regarding the timing of access easement construction. He then said that the applicant did not want to construct the accesses for these townhouses, only to have them destroyed through the construction process of this development. This waiver will allow recordation of the plat prior to completion of any asphalt courses.

Mr. Martin said that the staff is recommending approval of the one-year extension, subject to the original conditions, as previously noted on today's agenda. He noted that this plan does expire on July 12th, which is why the applicant has requested the approval of a one-year extension.

Representation – Rory Kahly, EA Partners, was present, representing the applicant. He said that they are in agreement with the staff's recommendations and requested approval of a one-year extension.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Ms. Beatty, seconded by Mr. Cravens, and carried 9-0 (Brewer absent) to approve a one-year extension of PLAN 2012-59F: MARSHALL PROPERTY, UNIT 2K (AMD), as presented by the staff.

3. DEVELOPMENT PLANS

- a. ZDP 2012-76: DEERFIELD SHOPPING CENTER (6/13/13)* - located at 1949 Nicholasville Road.
(Vision Engineering)

Note: The Planning Commission postponed this plan at their September 27, 2012; January 17, 2013; February 14, 2013; March 14, 2013; April 11, 2013 and May 9, 2013 meetings. The Urban County Council approved the zone change request at their November 27, 2012, meeting.

The Subdivision Committee Recommended: **Postponement**. There are issues with the screening and buffering proposed adjacent to a residential subdivision.

Should this plan be approved, the following conditions should be considered:

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Denote current floodplain information on plan.
8. Denote record plan name.
9. Clarify site statistics (floor area).
10. Verify required parking for restaurant (square footage/seating ratios).

* - Denotes date by which Commission must either approve or disapprove request.

11. Addition of Nicholasville Road street cross-section and Collins Lane access easement cross-section.
12. Denote proposed and existing storm sewer locations to the approval of the Division of Water Quality.
13. Resolve utility line and proposed building conflicts.
14. Denote proposed storm water detention location to the approval of the Division of Water Quality.
15. Discuss tree protection, landscaping and buffering perpendicular to Nicholasville Road.
16. Discuss building height adjacent to residential uses.
17. Discuss disposition of existing improvements in Nicholasville Road right-of-way.
18. Discuss timing of revisions to the current FEMA floodplain.

Staff Presentation – Directing the Commission's attention to the zoning (preliminary) development plan for the Deerfield Shopping Center, Mr. Martin briefly noted that this request is associated with a previously approved zone change, but since that time, this item has been postponed several times.

Using the rendering, Mr. Martin oriented them to the overall area and to the nearby uses. He said that the subject property is located at the corner of Southland Drive and Nicholasville Road, adding that there is a Shell Station, a Denny's Restaurant and the Collin's Bowling Lane in the general vicinity. He then said that access is provided through an easement (Collins Lane) that extends from Nicholasville Road between the Shell Station and the Denny's Restaurant to the rear of the property connecting to Southland Drive.

Mr. Martin said that the staff had received a revised submission for this preliminary development plan, and briefly explained those changes to the Commission. He said that the total square footage for the hotel is 67,500 square feet. The applicant has reduced the number of floors from 5 to 4, which reduced the height of the building by 12 feet. This change resulted in the reduction of 17 rooms, and the applicant is now proposing 88 rooms. He then said that the previously proposed parking spaces (158) have not changed on the revised submission; but the square footage of the layout has increased by 5,000 feet, as well as the lot coverage also changing from 19 percent to 21 percent. He noted that, even though they are increasing the lot coverage, this proposal still meets and slightly exceeds the 3 to 1 height ratio that is required for this zone. He added that the increase in lot coverage is in the direction of the access easement (Collins Lane) and the adjacent neighborhood. The applicant is proposing three underground detention basins to address the stormwater issue for this area.

Mr. Martin then briefly explained some issues pertaining to this site, and said that one of the issues is that the property line encroaches into the Nicholasville Road right-of-way. He explained that this is not uncommon for developments along an arterial road, and one example of an encroachment would be the Central Baptist Hospital. He said that, in order to address this concern, the staff had added a condition for the encroachment issue to be resolved at the time of the final development plan. He then said that the required landscape screening for this development will also need to be addressed by the applicant, and noted that this can be done on the final development plan, as well. Mr. Martin said that the Planning Commission will see a final development plan on this property in the future, but the staff does not anticipate any great changes made to this proposed layout.

Mr. Martin said that the applicant's revised submission does address the staff's concerns that were previously identified by the Subdivision Committee. Based on the latest submission, the staff can now offer a modified recommendation for the Planning Commission to consider at this public hearing. He directed the Commission's attention to the staff's handout, and said that the staff is recommending approval of the applicant's request, subject to the following conditions:

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
- ~~6. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.~~
- ~~7. Denote current floodplain information on plan.~~
6. 8. Denote record plan name.
- ~~9. Clarify site statistics (floor area).~~
- ~~10. Verify required parking for restaurant (square footage/seating ratios).~~
- ~~11. Addition of Nicholasville Road street cross section and Collins Lane access easement cross section.~~
7. 12. Denote proposed and existing stormwater sewer locations to the approval of the Division of Water Quality.
- ~~13. Resolve utility line and proposed building conflicts.~~
8. 14. Denote proposed storm water detention and water quality location to the approval of the Division of Water Quality.
9. 15. Discuss Denote that tree protection, landscaping and buffering perpendicular to Nicholasville Road will be considered at the time of the Final Development Plan.

- ~~10. 16. Discuss Denote the building height adjacent to residential uses will be considered at the time of the Final Development Plan.~~
- ~~10. 11. 17. Discuss Denote that the disposition of existing improvements in the Nicholasville Road right-of-way will be considered at the time of the Final Development Plan.~~
- ~~12. 18. Discuss Denote the timing of revisions to the current FEMA floodplain will be considered at the time of the Final Development Plan.~~
11. Denote the date of the official LOMR revising the FEMA floodplain on the subject property.

Mr. Martin briefly explained the list of conditions, and said that conditions #1 through #5 are the standard sign-off requirements from the different divisions of the LFUCG; and the remaining conditions are "clean-up" items. He said that the applicant will need to denote the existing stormwater sewer locations and storm water detention and water quality locations to the approval of the Division of Water Quality. They will also need to denote the tree protection, landscaping and buffering and the disposition of existing improvements in the Nicholasville Road right-of-way at the time of the Final Development Plan. He added that the date of the official LOMR, revising the FEMA floodplain, will need to also be denoted on the plan. He said that much of this area was in the FEMA floodplain area, and the applicant has received an official LOMR revising the FEMA floodplain. This revision has removed the subject property, as well as the Collin's Bowling Alley, out of the regulatory floodplain for this area.

Planning Commission Questions – Ms. Blanton asked if the Urban County Council approved the zone change request. Mr. Martin replied affirmatively. Ms. Blanton then asked if condition #1 was still needed. Mr. Martin replied that condition #1 was not needed; however, it is customary that that condition is listed on the agenda.

Chairman Owens asked for clarification, with regard, to condition #9. Mr. Martin directed the Commission's attention to the rendering and pointed out that condition #9 references the landscaping along the Nicholasville Road corridor. He said that the staff is concerned with the magnitude of this redevelopment and felt that the Nicholasville Road corridor should be considered "sensitive" in terms of its context. He added that, since there is a residential quality to the general area, the landscaping should be enhanced in its presentation to Nicholasville Road. He then said that the landscaping can be discussed further at the time of the final development plan. He indicated that the staff believes that the applicant has a landscaping plan for this area, and they can further address that issue.

The Chair said that there was a lot of discussion from the nearby neighborhood with regard to buffering along the property line. Mr. Martin said that there are trees along the property line and the applicant did commit to comply with Article 18 at the Council hearing during the zone change. He then said that the applicant has been working with the neighbors, and they were told that this plan would be presented to the Planning Commission today.

Mr. Penn asked if the Denny's Restaurant is still located at the corner. Mr. Martin replied affirmatively. Mr. Penn then asked if there will be landscape screening in front of the restaurant. Mr. Martin said that that has not been discussed, but additional screening would be welcomed. Mr. Penn said that the restaurant is being shown on the preliminary development plan, which Mr. Martin confirmed, and noted that it will part of the final development plan, as well.

Representation – Bruce Simpson, attorney, was present, representing Lee and Phil Greer. He said that, as Ms. Blanton pointed out, the Urban County Council did rezone this property; and in conjunction with that rezoning, his clients have reduced the height of the building from the proposed 5 stories to 4 stories. In addition, his clients have agreed, as part of the conditional zoning restriction, language denoting that this property is subject to (as a matter of law) a reduction in the stormwater runoff by 50 percent beyond what is required by the Ordinance.

Mr. Simpson said that the reduction in the number of floors has caused 25 rooms to be lost, reducing the number of rooms to 88. He then said that, in an effort to recapture some of that loss, the building was moved 5 feet closer to the lot lines along Goodrich Avenue and Collins Lane. He noted that, even though the building was moved 5 feet, it is still within the required setback that is set forth in the Zoning Ordinance. He noted that this change has widened the building from 47 to 54 feet.

Mr. Simpson said that, in addition to the conditional zoning restrictions, the applicant is proposing additional landscape screening along the Goodrich Avenue side, starting just behind the Denny's Restaurant and ending at the property line, and will continue along the back property line toward Collins Lane. He said that this buffer will consist of an 8-foot fence, with brick columns, and on the other side of this fence, 12-foot Pine trees will be planted 10 feet apart.

Mr. Simpson said that they did meet with the neighbors on July 8th and they updated them on this development. He then said that since this proposal is a preliminary development plan, and should the Commission approve this request, they would be back in front of the Commission with a final development plan; and at that time, his clients can then proceed with construction of the development. Mr. Simpson said

that they have pledged to work with the neighbors, as they have throughout this process, and they are in agreement to work with a Committee during the construction of this site. He said that, after the Council hearing, Lee Greer had suggested working with the neighborhood committee to keep the residents informed.

Mr. Simpson said that they have proposed storm water features above and beyond what is required to help reduce the runoff by more than half. He then said that they had met with Ken Cook, and one of the features that they are proposing are bio swells in the interior portions of the parking lot. This will help deal with the water quality in addition to what they are proposing.

Mr. Simpson said that there is a landscaping plan that was tendered, and they can provide more detail at the final development plan stage. He then said that the landscaping plan will include the entrance into the site along Nicholasville Road. He added that they also committed to as part of the zone change, an architectural design. He directed the Commission's attention to the overhead projector, and demonstrated their conceptual design of what this property would reflect. He said that the Council was concerned with how the architectural design of a building is often not the same when final construction is completed; and unlike the Planning Commission, the Council had adopted a bylaw that stated that an applicant requesting a zone change cannot present such renderings at the Council level. He then said that he questions as to whether or not this is legal for the processing of a zone change, but nevertheless that is the current policy. He added that he has written the Mayor concerning this policy since the Mayor is more interested in design than his predecessors. Mr. Simpson said that his client has committed to build this project in substantial conformity to the rendering being presented on the overhead projector, minus the one story.

Mr. Simpson concluded his presentation to the Commission by saying that his client has committed, as part of the zone change, to provide over and beyond what is required in the Ordinance for the storm water features and storm water quality; they are providing additional landscape screening along Goodrich Avenue and the car wash, as well as providing a landscape plan for this site. He then said that they have placed this commitment in writing; and pursuant to the enforcement powers of this government; they have done so. They have also pledged to work with the neighborhood, and they believe that this project is a satisfactory solution, particularly for the people who are next to the property. He noted that they are allowing the residents to pick the type of fencing they want along their back yards, and the older fencing would be removed. Mr. Simpson said that this is a preliminary development plan and will not change much at the final development plan stage. He said that they are in agreement with the staff's revised recommendations and requested approval of this request.

Planning Commission Questions – Mr. Penn asked if the Denny's Restaurant is owned by Mr. Greer. Mr. Simpson replied affirmatively. Mr. Penn then asked if that the restaurant is part of the development plan, and that section of the property is being leased. Mr. Simpson replied affirmatively.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Planning Commission Comments – Mr. Wilson said that he wants to commend the developers on this project, and they have made some significant changes in an effort to accommodate the community. He is also pleased that the community is working with the developer throughout this process.

Action - A motion was made by Mr. Wilson, seconded by Ms. Mundy, and carried 9-0 (Brewer absent) to approve ZDP 2012-76: DEERFIELD SHOPPING CENTER, subject to the following condition:

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Denote record plan name.
7. Denote proposed and existing stormwater sewer locations to the approval of the Division of Water Quality.
8. Denote proposed storm water detention and water quality location to the approval of the Division of Water Quality.
9. Denote that tree protection, landscaping and buffering perpendicular to Nicholasville Road will be considered at the time of the Final Development Plan.
10. Denote the disposition of existing improvements in Nicholasville Road right-of-way will be considered at the time of the Final Development Plan.
11. Denote the date of the official LOMR revising the FEMA floodplain on the subject property.

C. PERFORMANCE BONDS AND LETTERS OF CREDIT – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

* - Denotes date by which Commission must either approve or disapprove request.

Action - A motion was made by Mr. Cravens, seconded by Ms. Plumlee, and carried 9-0 (Brewer absent) to approve the release and call of bonds as detailed in the memorandum dated July 11, 2013, from Hillard Newman, Division of Engineering.

VI. COMMISSION ITEM – The Chair will announce that any item a Commission member would like to present will be heard at this time.

A. PFR 2013-3: FAYETTE COUNTY PUBLIC SCHOOLS – a Public Facility Review of construction of a permanent storage building for Henry Clay High School at 2100 Fontaine Road. (Council District 5).

Staff Presentation – Ms. Rackers said that this is a Public Facility Review for construction of a permanent storage building for Henry Clay High School, located at 2100 Fontaine Road. She directed the Commission's attention to the site plan, noting that Henry Clay High School campus is located at the southeast corner of Fontaine Road and Lakeshore Drive. She indicated on the site plan that the majority of the surrounding area is zoned as residential, but Kentucky American Water Company and Lakeview Park are zoned Agricultural Urban.

Ms. Rackers directed the Commission's attention to two aerial photographs, and said that the Henry Clay High School campus is approximately 38 acres in size. There are multiple sports fields on site, and Fayette County Public Schools is proposing to construct a 12' x 18' (216 sq. ft.) storage building to be used solely by the Henry Clay School soccer team and staff for storage of their equipment. The storage building will be placed on a concrete pad with a ramp for ease of access, and will be located at the end of the soccer field next to the fence. She said that the building will only be used during the soccer season, generally between mid-July and late October/early November each year.

Ms. Rackers directed the Commission's attention to the staff report, and said that there are several 2007 Comprehensive Plan Goals and Objective that apply to this request; and because the Goals and Objectives for the 2012 Comprehensive Plan have been greatly simplified/streamlined in order to apply more generally to development in Fayette County, there is only one Objective of the 2012 Plan that might relate to the proposed work: Objective d. of Theme F, Goal 1, which reads: "*Collaborate with other agencies in Lexington-Fayette County to meet local standards in order to achieve compatible developments and accomplish the community's vision as articulated in Destination 2040.*" She said that the text in the Comprehensive Plan also stated that Fayette County Public Schools wants become a world-class school system by 2020. To that end, they have had several complete renovations of the existing facilities, as well as construction of new buildings. There are more to be done, so there will be more reviews for them in the future. She then said that this project is not on the scale of what would typically be considered a typical improvement to the school; nevertheless, Kentucky Revised Statutes (KRS 100) requires a Public Facility Review to be presented to the Planning Commission for a change to any property that is being used by a public facility, such as a public school. Because the Henry Clay High School sports programs is as much a part of the school's function as the music programs or any other activities, even though this is on a much smaller scale, it will help support their goal of becoming a world-class school system, as well as becoming a state-of-the art facility. Fayette County Public Schools is exempt from Zoning Ordinance requirements; however, they are not exempt from the need to comply with public health, safety and welfare requirements. Therefore, the staff recommends that this construction be subject to the same review by the Division of Building Inspection as any other building or structure for human occupancy, whether it be private or public.

Ms. Rackers said that the staff finds this request to be in compliance with the Objectives and text of the Comprehensive Plan and recommends approval, with the following recommendation:

1. Even though the Fayette County Public School System is exempt from Zoning Ordinance requirements, it must still comply with State Building Code requirements. It is therefore recommended that any applicable building permits be obtained prior to commencing construction of the storage building.

Ms. Rackers indicated that Mr. Hoch with Fayette County Public Schools was present, should the Commission have any questions.

Planning Commission Questions – The Chair asked if Mr. Hoch had any further comments or clarifications. Mr. Hoch indicated that he did not.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Ms. Beatty, seconded by Ms. Plumlee, and carried 9-0 (Brewer absent) to approve PFR 2013-3, for the reasons provided by staff, finding that this request is in compliance with the Goals and Objectives of the Comprehensive Plan.

B. ELECTION OF OFFICERS – The Commission's By-laws state that at the first regular meeting in July, the Commission shall elect a Chairperson, Vice-Chairperson, Secretary, and Parliamentarian. The nominating committee will present its slate for consideration by the Planning Commission. Nominations may also be made from the floor.

The current officers are as follows:

Chairperson	-	Mike Owens
Vice Chairperson	-	Mike Cravens
Secretary	-	Vacant
Parliamentarian	-	William Wilson

Nominating Committee Report – Mr. Penn stated that the nominating committee recommended the following slate of Planning Commission Officers for 2013:

Chairperson	-	Mike Owens
Vice Chairperson	-	Mike Cravens
Secretary	-	Carla Blanton
Parliamentarian	-	William Wilson

Other Nominations – Mr. Owens opened the floor for other nominations from the Commission. There were no other nominations.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Wilson, and carried 9-0 (Brewer absent) to close the nominations made.

Action - A motion was made by Ms. Penn, seconded by Ms. Beatty, and carried 9-0 (Brewer absent) to approve the Planning Commission's Slate of Officers, as presented by the Nominating Committee.

- C. DELEGATION OF SECRETARY'S DUTIES** – The Commission's past procedure for carrying out the Secretary's duties, except for signing minutes, has been to delegate that authority to the Director of the Division of Planning and his staff. The Chair will request the Commission consider taking action on this matter.

Action - A motion was made by Ms. Blanton, seconded by Mr. Wilson, and carried 9-0 (Brewer absent) to delegate the Secretary's duties, with the exception of signing minutes, to the authority to the Director of the Division of Planning and his staff.

- VII. STAFF ITEMS** – The Chair announced that any item a Staff member would like to present would be heard at this time. There was no response.

- VIII. AUDIENCE ITEMS** – The Chair announced that any item a citizen might wish to bring before the Commission for general discussion or future action could be done at this time. There was no response.

IX. NEXT MEETING DATES

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	July 18, 2013
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	July 24, 2013
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	July 25, 2013
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	August 1, 2013
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	August 1, 2013
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	August 8, 2013

- IX. ADJOURNMENT** - There being no further business, the Chair adjourned the meeting at 2:22 PM.

Mike Owens, Chair

Carla Blanton, Secretary